

IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
Plaintiff,                   )  
                                  )  
v.                             )  
                                  )  
\$5,462,027.17 IN BANK FUNDS ) CV 18-8566-RGK-PJW  
SEIZED FROM COMPASS BANK   )  
ACCOUNT '3873, ET AL.,     )  
                                  )  
Defendant.                   )

DECLARATION OF PUBLICATION

Notice of Civil Forfeiture was posted on an official government internet site ([www.forfeiture.gov](http://www.forfeiture.gov)) for at least 30 consecutive days, beginning on October 22, 2018, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, as evidenced by Attachment 1, which consists of a copy of the notice on the [www.forfeiture.gov](http://www.forfeiture.gov) website, and as evidenced by Attachment 2, the Advertisement Certification Report, which documents that the notice was posted on the [www.forfeiture.gov](http://www.forfeiture.gov) website for at least 18 hours a day for the required 30 consecutive days.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 21, 2018, at Los Angeles, CA.



Peter Heck  
Records Examiner

Attachment 1

**IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION  
COURT CASE NUMBER: CV 18-8566; NOTICE OF FORFEITURE ACTION**

Pursuant to 18 U.S.C. § 981, the United States filed a verified Complaint for Forfeiture against the following property:

\$5,462,027.17 in Bank Funds Seized from Compass Bank Account '3873 in the name of Cereus Properties (18-USP-001543) which was seized on April 6, 2018 at 15 South 20th Street, Ste. 1802, located in Birmingham, AL

\$407,686.14 in Bank Funds Seized from Compass Bank Account '4862 in the name of Scott Spear (18-USP-002085) which was seized on July 19, 2018 at 15 South 20th Street, located in Birmingham, AL

The custodian of the property is the United States Marshals Service, located at 350 W. 1st Street, Suite 3001, Los Angeles, CA 90012

Any person claiming a legal interest in the Defendant Property must file a verified Claim with the court within 60 days from the first day of publication (October 22, 2018) of this Notice on this official government internet web site and an Answer to the complaint or motion under Rule 12 of the Federal Rules of Civil Procedure within 21 days thereafter. 18 U.S.C. § 983(h)(1) permits a court to impose a civil fine on anyone asserting an interest in property which the court determines was frivolous.

The verified Claim and Answer must be filed with the Clerk of the Court, 255 East Temple Street, Room 180, Los Angeles, CA 90012, and copies of each served upon Assistant United States Attorney John Kucera, 312 N. Spring St., 14th Floor, Los Angeles, CA 90012, or default and forfeiture will be ordered. See, 18 U.S.C. § 983(a)(4)(A) and Rule G(5) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions.

The government may also consider granting petitions for remission or mitigation, which pardon all or part of the property from the forfeiture. A petition must include a description of your interest in the property supported by documentation; include any facts you believe justify the return of the property; and be signed under oath, subject to the penalty of perjury, or meet the requirements of an unsworn statement under penalty of perjury. See 28 U.S.C. Section 1746. For the regulations pertaining to remission or mitigation of the forfeiture, see 28 C.F.R. Sections 9.1 - 9.9. The criteria for remission of the forfeiture are found at 28 C.F.R. Section 9.5(a). The criteria for mitigation of the forfeiture are found at 28 C.F.R. Section 9.5(b). The petition need not be made in any particular form and may be filed online or in writing. You should file a petition not later than 11:59 PM EST 30 days after the date of final publication of this notice. See 28 C.F.R. Section 9.3(a). The <https://www.forfeiture.gov/FilingPetition.htm> website provides access to a standard petition form that may be mailed and the link to file a petition online. If you cannot find the desired assets online, you must file your petition in writing by sending it to Assistant United States

Attorney John Kucera, 312 N. Spring St., 14th Floor, Los Angeles, CA 90012. This website provides answers to frequently asked questions (FAQs) about filing a petition. You may file both a verified claim with the court and a petition for remission or mitigation.

## Attachment 2



## Advertisement Certification Report

The Notice of Publication was available on the [www.forfeiture.gov](http://www.forfeiture.gov) web site for at least 18 hours per day between October 22, 2018 and November 20, 2018. Below is a summary report that identifies the uptime for each day within the publication period and reports the results of the web monitoring system's daily check that verifies that the advertisement was available each day.

U.S. v. \$5,462,027.17 IN BANK FUNDS SEIZED FROM COMPASSBANK ACCOUNT '3873, ET AL.,

Court Case No: CV 18-8566  
 For Asset ID(s): See Attached Advertisement Copy

Consecutive Calendar Day Count	Date Advertisement Appeared on the Web Site	Total Hours Web Site was Available during Calendar Day	Verification that Advertisement existed on Web Site
1	10/22/2018	24.0	Verified
2	10/23/2018	24.0	Verified
3	10/24/2018	24.0	Verified
4	10/25/2018	24.0	Verified
5	10/26/2018	24.0	Verified
6	10/27/2018	24.0	Verified
7	10/28/2018	24.0	Verified
8	10/29/2018	24.0	Verified
9	10/30/2018	24.0	Verified
10	10/31/2018	24.0	Verified
11	11/01/2018	24.0	Verified
12	11/02/2018	24.0	Verified
13	11/03/2018	24.0	Verified
14	11/04/2018	24.0	Verified
15	11/05/2018	24.0	Verified
16	11/06/2018	24.0	Verified
17	11/07/2018	24.0	Verified
18	11/08/2018	24.0	Verified
19	11/09/2018	24.0	Verified
20	11/10/2018	24.0	Verified
21	11/11/2018	24.0	Verified
22	11/12/2018	24.0	Verified
23	11/13/2018	24.0	Verified
24	11/14/2018	24.0	Verified
25	11/15/2018	24.0	Verified
26	11/16/2018	24.0	Verified
27	11/17/2018	24.0	Verified
28	11/18/2018	24.0	Verified
29	11/19/2018	24.0	Verified
30	11/20/2018	24.0	Verified

Additional log information is available and kept in the archives for 15 years after the asset has been disposed.